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Southern District of New York*

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April 3, 2025

VIA ECF

The Honorable J. Paul Oetken
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: *Widakuswara, et al. v. Lake, et al.*,
25 Civ. 2390 (JPO)

Dear Judge Oetken:

On behalf of defendants U.S. Agency for Global Media (“USAGM”), Kari Lake, in her official capacity as Senior Advisor to the Acting CEO of USAGM, and Victor Morales, in his official capacity as Acting CEO of USAGM (collectively, the “Government” or “Defendants”), we write respectfully to respond to plaintiffs’ letter dated April 3, 2025 (Dkt. No. 57), which requests that the Court so-order plaintiffs’ proposed briefing schedule for their preliminary injunction motion over the Government’s objection and reject the Government’s proposed schedule.

In light of the present uncertainty over whether this case will be heard in this Court or in the U.S. District Court for the District of Columbia (“DDC”)—which will, in turn, determine which U.S. Attorney’s Office or component of the Department of Justice will continue to litigate this matter—the Government’s proposed schedule commences from the date on which this Court rules on the pending transfer motion. Should the Court deny the Government’s transfer motion, the Government’s proposed schedule incorporates the default briefing deadlines in SDNY Local Civil Rule 6.1(b), such that: (1) the Government’s opposition to plaintiffs’ preliminary injunction motion will be due within 14 days after this Court’s ruling on the transfer motion; and (2) plaintiffs’ reply will be due 7 days after, with the Court to schedule a hearing on the preliminary injunction motion as soon as practicable thereafter. This schedule is more efficient in that it avoids requiring this Office to prepare a substantial filing on extremely short timing when the matter ultimately may be handled by another office. The schedule also would afford the Government sufficient time to work with USAGM officials and personnel to obtain additional factual information in support of its opposition, and to present additional arguments that the Government had reserved the right to raise. *See* Defs.’ Mem. Of Law in Opp. To Pls.’ Mot. For a Temporary Restraining Order (Dkt. No. 41), at 11, n.2.

By contrast, plaintiffs’ proposed schedule, which would require the Government to file its opposition next Monday, April 7, is unreasonable and does not allow the Government enough time to develop the factual record and legal arguments in opposition to a preliminary injunction. Furthermore, to the extent plaintiffs asserted that they faced irreparable harm from possible terminations, contract and grant cancellations, and the loss of J-1 immigrant visas, the Court’s TRO (which, by its terms, will continue until “the hearing and determination of Plaintiffs’

motion for a preliminary injunction”) grants plaintiffs relief from that harm. The Government therefore requests that the Court so-order its proposed schedule to complete briefing of plaintiffs’ preliminary injunction motion, if the Court denies the Government’s pending transfer motion.

We thank the Court for its consideration of this letter.

Respectfully submitted,

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cc: All Counsel of Record (via ECF)